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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002122

SIPDIS

STATE FOR INL/C/CP, INL/I, NEA/I AND S/I  
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TAGS: [KCOR](#) [KCRM](#) [PGOV](#) [EAID](#) [PREL](#) [IZ](#)  
SUBJECT: PENDING LEGISLATION WOULD FURTHER PLACE CORRUPTION  
INVESTIGATIVE AUTHORITY UNDER PM,S OFFICE

REF: BAGHDAD 01963

Classified By: Deputy Chief of Mission Patricia A. Butenis for reasons  
1.4(b) and (d).

SUMMARY

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¶1. (C) Pending legislation before the COR would codify control by the Prime Minister,s office over Iraq,s Inspectors General (IG,s) and the Commission on Integrity (COI), two of the GOI,s politically independent, albeit nascent, anti-corruption agencies. Current drafts of the legislation would eviscerate the COI,s ability to initiate investigations, requiring it to defer to the IG,s to take the lead in building a strong enough case to meet the threshold of an investigative judge. Meanwhile a new &super IG8 )- as part of a new office affiliated with the Council of Ministers -- would have the authority to vet any of these investigations from reaching the COI in the first place, as well as the ability in his own right to launch new investigations in any of the ministries. END SUMMARY.

DR. ADIL PROPOSES &SUPER IG8 STATUS

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¶2. (SBU) The Anti-Corruption Coordinator,s Office (ACCO) received July 3 a copy of proposed changes to Iraq,s Inspector Generals Law (CPA order No. 57), which had its second reading before the COR on June 15. Under the proposed legislation, the law would establish a new office for the IG,s attached to the Council of Ministers and to be headed by one of the existing IG,s. Under the proposal, suspicious cases first uncovered by an IG would pass from the IG to his respective minister, who would then pass along the case to the office of this new &super IG.8 It would then be this individual,s responsibility to pass along the case to the Commission on Integrity. The &super IG8 would also have the authority to launch new investigations in any of Iraq,s ministries.

¶3. (C) Several IG,s told us that in a 23 June meeting with COR member and senior ISCI official Jalal al Din Saghier, the IG,s had collectively objected to the draft law. IG,s complained that the proposed legislation did not give them the same degree of independence as the COI and Board of Supreme Audit (BSA). They also disagreed with provisions giving them a one-year probationary period and limiting their investigations away from classified spaces, lamenting that the BSA and COI had no such restrictions. The IG,s said that Saghier had recommended that they run the proposed legislation by the COR,s legal department with the hopes of getting a draft that would better incorporate their wishes.

¶4. (C) UNDP Country Director Sylvia Fletcher told ACCO July 4 that the revised legislation was the work of Minister of

Health Inspector General and Maliki anti-corruption advisor Dr. Adil Muhsin. Fletcher said that her contacts in various IG,s, with whom UNDP has had a long relationship of providing training and technical assistance, said Dr. Adil intended to install himself in the position as the first &super IG.8 She said that her contacts had told her Adil had received support from the Ministries of Interior and Defense to proceed with his plan.

LEGISLATION WOULD ALSO LIMIT COI,S AUTHORITIES

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15. (SBU) In addition to the legislative drafts circulating about the IG,s, proposed amendments to the new COI law would limit the commission,s ability to initiate new investigations. The current draft of the new COI law, which would amend CPA Order no. 55, also received its second reading before the COR June 15. Under current Iraqi law, COI &shall have the authority to investigate and, through an investigator of the first class, present to an investigative judge a corruption case involving actions dating as far back as July 17, 1968.8 The new legislation would limit the scope of COI investigations to those already &under control of an investigating judge.8 The net effect of the two pieces of legislation, if passed, would be that COI would have no authority to investigate cases unless they had been referred by the IG,s and they had already met the threshold for a judge to open an investigation; COI would have to refer all other cases back to the IG,s for follow-up.

RAHIM DISAGREES WITH, YET ABIDES BY, ALAQ,S RULING

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16. (C) In a July 2 meeting with Commission on Integrity commissioner Judge Rahim al-Ugaili, Rahim told ACCO that the Council of Ministers had recently issued a memorandum limiting the investigative role of the COI in line with new legislation before the COR. Rahim said that the COM,s memo declared that the COI had no authority to start anti-corruption investigations without a referral from an IG. Such guidance is consistent with the opinion COM Secretary General Ali Alaq shared with ACC Ambassador Benedict June 26 (reftel). For his part, Rahim said that such a ruling was not consistent with the independent authorities of COI granted under Iraqi law. Rahim,s opposition aside, the status of COI,s pending investigations this year suggests that the commission has nonetheless abided by the ministerial ruling. According to COI statistics, the COI returned 82 percent of its cases to the Inspectors General in the first quarter of 2008.

COMMENT

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17. (C) If passed in their current form, the new laws would likely grant Dr. Adil, in his new position attached to the Council of Ministers, the authority to vet all anti-corruption investigations as well as launch his own. Himself widely rumored to be implicated in corrupt contracting practices at the Ministry of Health, Adil is far from a model champion for anti-corruption reform in Iraq. This marks the second time that Dr. Adil has pushed a proposal for a &diwan8 of Inspectors General. The COR previously defeated his proposal to create a similar structure in November 2007. Passage of the legislation is further muddled by a procedural glitch. Since the laws did not pass before the Shura before reaching the COR for their first reading, it is not clear whether the next step for the proposed legislation will be a third, or a new first, reading before the COR.

CROCKER